



February 15, 2008

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## ENGROSSED SENATE BILL No. 91

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DIGEST OF SB 91 (Updated February 13, 2008 3:57 pm - DI 107)

**Citations Affected:** IC 31-9; IC 31-28.

**Synopsis:** Foster care sibling visitation. Requires the department of child services (DCS) to promote sibling visitation for every child who receives foster care. Allows a sibling or certain other individuals to request sibling visitation if one of the siblings is receiving foster care. Requires DCS to allow sibling visitation if it is in the best interests of the child receiving foster care. Provides that if DCS denies a request for sibling visitation, a guardian ad litem or court appointed special advocate may petition a juvenile court for sibling visitation. Requires a court to grant sibling visitation if the court determines sibling visitation is in the best interests of the child who receives foster care. (The introduced version of this bill was prepared by the interim study committee on missing children.)

**Effective:** July 1, 2008.

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**Delph, Becker, Howard, Skinner,  
Sipes, Waterman, Smith S, Lubbers,  
Broden, Steele**

(HOUSE SPONSORS — AVERY, WALORSKI, KNOLLMAN, HARRIS T)

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January 8, 2008, read first time and referred to Committee on Judiciary.

January 24, 2008, amended, reported favorably — Do Pass.

January 28, 2008, read second time, ordered engrossed. Engrossed.

January 29, 2008, read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

January 30, 2008, read first time and referred to Committee on Family, Children and Human Affairs.

February 14, 2008, amended, reported — Do Pass.

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February 15, 2008

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

## ENGROSSED SENATE BILL No. 91

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A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 31-9-2-28 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 28. "Court appointed  
3 special advocate", for purposes of IC 31-15-6, IC 31-17-6, IC 31-19-16,  
4 IC 31-19-16.5, **IC 31-28-5**, and the juvenile law, means a community  
5 volunteer who:  
6 (1) has completed a training program approved by the court;  
7 (2) has been appointed by a court to represent and protect the best  
8 interests of a child; and  
9 (3) may research, examine, advocate, facilitate, and monitor a  
10 child's situation.  
11 SECTION 2. IC 31-9-2-50 IS AMENDED TO READ AS  
12 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 50. "Guardian ad  
13 litem", for purposes of IC 31-15-6, IC 31-16-3, IC 31-19-16,  
14 IC 31-19-16.5, **IC 31-28-5**, and the juvenile law, means an attorney, a  
15 volunteer, or an employee of a county program designated under  
16 IC 33-24-6-4 who is appointed by a court to:  
17 (1) represent and protect the best interests of a child; and

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(2) provide the child with services requested by the court, including:

- (A) researching;
- (B) examining;
- (C) advocating;
- (D) facilitating; and
- (E) monitoring;

the child's situation.

A guardian ad litem who is not an attorney must complete the same court approved training program that is required for a court appointed special advocate under section 28 of this chapter.

SECTION 3. IC 31-9-2-117.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 117.3. "Sibling", for purposes of IC 31-28-5, means a brother or sister by blood, half-blood, or adoption.**

SECTION 4. IC 31-28-5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

#### **Chapter 5. Foster Care Sibling Visitation**

##### **Sec. 1. This chapter applies to:**

- (1) a child who receives foster care that is funded by the department or a county office; and
- (2) a sibling of a child described in subdivision (1).

**Sec. 2. The department shall make reasonable efforts to promote sibling visitation for every child who receives foster care, including visitation when one (1) sibling receives foster care and another sibling does not.**

**Sec. 3. A child, a child's foster parent, a child's guardian ad litem, a court appointed special advocate, or an agency that has the legal responsibility or authorization to care for, treat, or supervise a child may request the department to permit the child to have visitation with the child's sibling if the child or the child's sibling, or both, receive foster care. If the department finds that the sibling visitation is in the best interests of each child who receives foster care, the department shall permit the sibling visitation and establish a sibling visitation schedule.**

**Sec. 4. (a) If the department denies a request for sibling visitation under section 3 of this chapter, a guardian ad litem or court appointed special advocate may petition the juvenile court with jurisdiction in the county in which the child receiving foster care is located for an order requiring sibling visitation.**

**(b) If the juvenile court determines it is in the best interests of**

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1 the child receiving foster care to have sibling visitation, the juvenile  
2 court shall order sibling visitation and establish a schedule for the  
3 sibling visitation.

4 Sec. 5. (a) The juvenile court may appoint a guardian ad litem  
5 or court appointed special advocate if a child receiving foster care  
6 requests sibling visitation.

7 (b) IC 31-17-6 applies to a guardian ad litem or court appointed  
8 special advocate appointed under this section.

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## SENATE MOTION

Madam President: I move that Senators Smith S, Lubbers, Broden and Steele be added as coauthors of Senate Bill 91.

DELPH

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 COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 91, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 36, delete "any individual" and insert "**a guardian ad litem or court appointed special advocate**".

Page 3, line 1, delete "visitation." and insert "**visitation arranged through the department.**".

Page 3, delete lines 2 through 31.

and when so amended that said bill do pass.

(Reference is to SB 91 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 7, Nays 0.

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 COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred Senate Bill 91, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 29, delete "child" and insert "**child, a child's foster parent, a child's guardian ad litem, a court appointed special advocate, or an agency that has the legal responsibility or authorization to care for, treat, or supervise a child**".

Page 3, line 1, delete "visitation arranged through the department." and insert "**visitation.**".

**Sec. 5. (a) The juvenile court may appoint a guardian ad litem or court appointed special advocate if a child receiving foster care requests sibling visitation.**

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**(b) IC 31-17-6 applies to a guardian ad litem or court appointed special advocate appointed under this section."**

and when so amended that said bill do pass.

(Reference is to SB 91 as printed January 25, 2008.)

SUMMERS, Chair

Committee Vote: yeas 8, nays 0.

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